

## **CHAPTER 8**

### **FEDERAL REGISTER SYSTEM**

#### **A. INTRODUCTION**

1. The Federal Register system was established to require that proposed, interim final, and final rules having a substantial impact on the public be filed with the Office of the Federal Register (OFR), displayed for public inspection, and published in the daily publication, Federal Register.

2. The OFR manages the Federal Register system and produces the Federal Register and Code of Federal Regulations (CFR).

**B. DEFINITIONS.** The following terms are defined for preparing documents for publication in the Federal Register and the CFR:

1. **Amendatory language.** Words used to describe each specific change made to the CFR. The following terms are precise and standardized amendatory language:

- a. **Add.** To insert a new word, sentence, or CFR unit.
- b. **Amend.** To change a previously published CFR unit.
- c. **Correct.** To amend previously published administrative errors.
- d. **Redesignate.** To transfer or renumber a CFR unit to another position in the CFR.
- e. **Remove.** To delete an existing word, sentence, or CFR unit.
- f. **Reserve.** To set aside a CFR unit for future use.
- g. **Revise.** To replace a CFR unit in its entirety.
- h. **Suspend.** To temporarily or indefinitely defer a part in the CFR.
- i. **Withdraw**

(1) **Proposed Rule.** To indicate that a published proposed rule is terminated.

(2) **Final Rule.** To indicate that a published final rule will not become effective if the effective date has been reached.

2. **Amendment.** The action taken to change CFR text.

3. **Authority Citation.** The Secretarial, legislative, or executive document(s) that require, sanction, or approve the issuance of a rule.

4. Code of Federal Regulations (CFR). The annual publication of final rules that is divided into 50 titles representing broad subject areas of Federal Agencies; e.g., Title 32, National Defense, contains DoD rules. Each title of the CFR is divided as follows:

a. Chapter and Subchapter. The division of a title assigned to a Federal Agency or one of its components. Chapters are identified by Roman numerals; e.g., I, II, III, etc. The subchapter is used to group related parts within the chapter and are usually identified by capital letters; e.g., A., B., C., etc.

b. Part and Subpart. The division of a chapter that consists of a unified body of rules applying to a single function of the issuing Agency or is devoted to a specific subject matter under the control of that Agency. A part is identified by Arabic numerals throughout each title; e.g., 1., 2., 3., etc. A subpart is used to group related sections within a part and is identified by capital letters.

5. Codification. The collection of CFR units arranged in systematic order.

6. Federal Register. A daily Federal workday publication that makes notices and rules issued by Federal Agencies and the President available to the public and Federal Agencies.

7. Introductory Text. An opening statement that presents paragraphs in the CFR.

8. Notice. A document that announces information of public interest, such as a meeting or statement of availability. It shall not contain regulatory text, impose requirements with general applicability and legal effect, or affect a rulemaking proceeding. Some notices are required to be published in compliance with legislation.

9. Preamble. An arrangement of information that answers "who, what, where, when, and why" of a document. It contains the explanatory text necessary for the reader to understand the basis and purpose of the document.

10. Regulatory Identifier Number (RIN). A document number assigned by the Office of Management and Budget (OMB) to each regulatory action published in the Unified Agenda of Federal Regulations (reference (j)).

11. Regulatory Plan. A Statement of Regulatory Priorities that identifies the most significant regulatory actions that a Federal Agency expects to issue in the forthcoming fiscal year in accordance with E.O. 12866 (reference (k)).

12. Rule. A regulatory document, such as a DoD issuance that has general applicability to and legal effect on the public, that is published in the Federal Register and most of which is codified in the CFR.

a. Proposed Rule. A draft document, such as a proposed draft DoD issuance that is published in the Federal Register and requests public comment.

b. Interim Final Rule. A document that is published in the Federal Register and CFR without prior notice of a proposed rule, usually to respond to an emergency situation or in response to a legislative or executive requirement. An interim final rule is followed by a final rule.

c. Final Rule. A concluding document published in the Federal Register and CFR that presents the decision of the issuing Agency and addresses public comments.

d. Significant Rule. A proposed, interim final, or final rule that:

(1) Has an annual effect on the economy of \$100 million or more or adversely affects in a material way, the economy; a sector of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities.

(2) Creates a serious inconsistency or otherwise interferes with an action taken or planned by another Agency.

(3) Materially alters the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof.

(4) Raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles of E.O. 12866 (reference (k)).

13. Unified Agenda of Federal Regulations (reference (j)). A consolidated OMB document published in the Federal Register consisting of published rules that have significant public impact and interest.

14. Unit. The OFR format for text in the Federal Register and CFR.

## C. POLICY

1. The Department of Defense shall participate in the regulatory process and adhere to reference (k), 5 U.S.C. 601, and Chapter 44 of 44 U.S.C. (references (l) and (m)). A substantive DoD document of general applicability and future effect, which the Department of Defense intends to have the force and effect of law, that is designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of the Department of Defense shall be published in the Federal Register when it has general applicability outside of the Federal Government.

2. A DoD issuance or document shall be published in the Federal Register for public comment if:

a. It confers a right or privilege on a segment of the public or has a direct or substantial impact on the public or any significant portion of the public.

b. It prescribes a course of conduct that must be followed by persons outside the Government to avoid a penalty, or secure a right or privilege.

c. It constitutes authority for persons outside the Government to act or to secure immunity from the consequences of not acting.

d. It imposes an obligation on the general public or members of a class of persons outside the Government.

e. It describes where the public may obtain information, instructions, and forms; make submittals or requests; take examinations; or obtain decisions.

f. It describes procedures by which a DoD Component conducts its business with the public.

3. Rules normally shall not be published in the Federal Register if the rule:

a. Is directed at an individual in his or her capacity as an employee of a Federal Agency or a member of the Armed Forces; e.g., Reservist.

b. Is directed at other Federal Agencies or at particular persons or organizations.

c. Pertains to a military or foreign affairs function of the United States that has been determined under the criteria of an Executive order or statute to require a security classification in the interests of national defense or foreign policy.

d. Is limited to Agency organization, management, or personnel matters.

4. The DoD Components shall encourage the maximum practicable participation of the public in the formulation of DoD documents that affect the public by allowing public comments on any proposed rules. Where deemed appropriate by the DoD Components, the public should participate in consensual mechanisms, such as negotiated rulemaking.

#### **D. RESPONSIBILITIES**

1. The Director of Administration and Management, Office of the Secretary of Defense, as the DoD Regulatory Policy Officer, shall:

a. Monitor the regulatory activities within the Department of Defense to ensure uniform compliance with and implementation of executive and legislative requirements.

b. Review, coordinate, and approve all rules and notices originated within the OSD and Defense Agencies for publishing in the Federal Register.

c. Designate an OSD Federal Register Liaison Officer (FRLO) within WHS as the single OSD point of contact with the OFR on matters pertaining to the Federal Register and CFR.

2. The OSD Principal Staff Assistants shall:

a. Participate in the regulatory activities of the Department of Defense and adhere to guidelines provided by the DA&M.

b. Provide description of rules that are under development by their organizations and by the Defense Agencies under their cognizance to the DA&M for regulatory review and OMB review; and execute OMB Form, "Executive Order 12866 Submission," if OMB determines that a rule is significant as defined in E.O. 12866 (reference (k)). (See figures 8-6 and 8-7.)

c. Review and approve rules and notices, including certifications and statements of determination that are prepared by their organizations and by the Defense Agencies under their cognizance.

(1) Ensure that the rules comply with reference (k), 5 U.S.C. 601, and 44 U.S.C. Chapter 44 (references (l) and (m)) and notices with 5 U.S.C. 552b(c)(1) (reference (n)) and with the Federal Register format.

(2) Approve and sign certifications, statements of determination, and OMB Form, "Executive Order 12866 Submission," if required.

d. Ensure that approved rules and notices, including certifications, statements of determination, and OMB Form, "Executive Order 12866 Submission," for their organizations and for the Defense Agencies under their cognizance are provided to the DA&M for regulatory review, OMB review, and publishing in the Federal Register.

e. Provide Statements of Regulatory Priorities and summaries of significant regulatory actions for their organizations and for the Defense Agencies under their cognizance to the DA&M for inclusion in the annual Regulatory Plan in accordance with E.O. 12866 (reference (k)).

f. Provide written justification for emergency printing in the Federal Register.

3. The Secretaries of the Military Departments shall:

a. Participate in the regulatory activities of the Department of Defense and adhere to guidelines provided by the DA&M.

b. Provide descriptions of rules that are under development to OMB for review in compliance with reference (k).

c. Execute OMB Form, "Executive Order 12866 Submission," when rules are determined to be significant by OMB as defined by reference (k) and provide additional documents for the rule when requested by OMB.

d. Ensure that rules prepared by their Components include certifications and statements of determination in compliance with executive, legislative, and Federal Register requirements.

e. Ensure that notices for publishing in the Federal Register comply with executive, legislative, and Federal Register requirements.

f. Provide Statements of Regulatory Priorities and summaries of significant regulatory actions to the DA&M for the annual Regulatory Plan in accordance with reference (k).

g. Ensure that the Military Department portion of the Unified Agenda of Federal Regulations (reference (j)) is reviewed, updated, and revised.

4. The Directors of Defense Agencies, through their cognizant OSD Principal Staff Assistants, shall:

a. Participate in the regulatory activities of the Department of Defense and adhere to regulatory guidelines provided by the DA&M.

b. Provide descriptions of rules that are under development to the DA&M for regulatory review and OMB review; and prepare OMB Form, "Executive Order 12866 Submission," for the signature of the PSA, if OMB determines that a rule is significant as defined in reference (k). (See figures 8-6 and 8-7.)

c. Prepare rules in compliance with E.O. 12866, 5 U.S.C. 601, and 44 U.S.C. Chapter 44 (references (k), (l), and (m)) and notices with 5 U.S.C. 552b(c)(1) (reference (n)) and with the Federal Register format.

d. Provide rules and notices to the PSA for approval and certifications and statements of determination for approval and signature.

e. Provide Statements of Regulatory Priorities and summaries of significant regulatory actions for the approval of the PSA and submission to the DA&M for inclusion in the annual Regulatory Plan in accordance with reference (k).

5. The OSD Federal Register Liaison Officer, Washington Headquarters Services, under the oversight of the DA&M, shall:

a. Provide advice and guidelines on publishing rules and notices in the Federal Register to the OSD Components and Defense Agencies.

b. Review and edit rules and notices prepared by the OSD Components and Defense Agencies for compliance with executive, legislative, and Federal Register requirements.

c. Forward rules and notices, through the DA&M, to OMB for review, and coordinate recommended OMB changes with the OSD Components and Defense Agencies.

d. Authorize, certify, validate, assign billing code, and forward rules and notices to the OFR for publishing in the Federal Register.

e. Maintain original certifications and statements of determination signed by the OSD Principal Staff Assistants.

f. Forward description of rules that are under development through the DA&M to OMB for review in compliance with reference (k).

g. Review, update, and revise the OSD portion of the Unified Agenda of Federal Regulations (reference (j)).

h. Provide copies of published rules and notices to the OSD Components and Defense Agencies.

i. Maintain current month copies of the Federal Register and annual volumes of the CFR.

j. Coordinate and maintain the automatic distribution system for OFR publications.

6. The Director of the Office of the Federal Register shall:

a. Review and approve rules and notices for compliance with OFR requirements.

b. Display approved rules and notices for public inspection.

c. Publish the rules and notices in the Federal Register.



d. Return rules and notices submitted for publication in the Federal Register to the FRLO for resolution if OFR determines that the documents do not meet the minimum Federal Register requirements or the documents contain multiple discrepancies.

e. Approve requests for emergency printing based on the written justifications.

f. Maintain a central filing of the original congressional acts, Executive orders, proclamations, and other Presidential documents, and Federal Agency documents submitted for publishing in the Federal Register.

7. The Director of the Office of Management and Budget shall:

a. Review the list describing rules that are under development by OSD in compliance with E.O. 12866 (reference (k)) and determine which rules are significant and require OMB review.

b. Review rules and certain notices to ensure that they are consistent with legislative requirements, the President's priorities, and that decisions made by the Department of Defense do not conflict with the policies or actions taken or planned by another Federal Agency, and approve them for publishing in the Federal Register.

E. RULES

1. Types of Rules. Proposed, interim final, and final rules of the Federal Register system are discussed in subsection B.12., above, and as follows:

a. Negotiated Rule. A negotiated rule establishes a non-adversarial framework for Federal Agencies and affected parties to meet before the formulation of the proposed rule. Negotiated rulemaking is an optional process intended to encourage cooperation in developing and reaching agreement on rules with the aim of improving the substance of the rules, and making it less likely that affected parties will resist enforcement or challenge rules in court. Notices on the formation and operation of negotiated rulemaking committees are published in the Federal Register.

b. Proposed Rule. A proposed rule displays a new part or a change to an existing part of the CFR. The statutorily required public comment period is a minimum of 60 days from the date that the rule appears in the Federal Register. Proposed rules are not codified in the CFR.

c. Interim Final Rule. An interim final rule is a temporary document that usually has an immediate effective date for a short or definable period of time to meet an emergency situation or is in response to an executive or legislative requirement. An interim final rule may request public comments. If an interim final rule becomes permanent, a final rule is published in the Federal Register to adopt the interim final rule as it was published or with changes and a discussion of any comments. If an interim final rule is in effect as of the revision date of the CFR volume, it will be included in that volume. When the effective date of the CFR volume expires; e.g., January 1, 1994 through January 1, 1996; the OFR shall automatically remove the interim final rule from the CFR volume.

d. Final Rule. A final rule completes the rulemaking process of a document. It adopts an interim final rule, finalizes a proposed rule, or requests public comments if a proposed rule was not published before the publication of a final rule. A final rule is codified in the CFR.

2. Amendments to Rules. Amendments to proposed and final rules are published in the Federal Register to change the CFR or to address public comments. An amendment to a rule is comparable to a change to or cancellation of a DoD issuance. Therefore, if a change to or cancellation of a DoD issuance that is codified in the CFR is made, the CFR must be changed.

a. An amendment is presented in the Words of Issuance (See subsection G.3., below) and it must describe the general effect of the rule and give specific instructions on how to change the CFR. Discussion of why the change is being made should be stated in the Supplementary Information of the rule. The units for rules, such as heading, preamble, etc., must be included in an amendment. Asterisks must be used as place-holders for text that has not been affected. An amendment also must identify the sections or paragraphs in the CFR; e.g., if a change to subsection A.1. of a DoD issuance is made, the amendment would be cited as section 23.1 (a), 32 CFR part 10.

b. Amendatory Language. Specific terms must be used to identify a change to a rule in the CFR. The only acceptable terms used in an amendment are "add, amend, correct, redesignate, remove, reserve, revise, suspend, and withdraw." These terms are defined in subsection B.1., above. Amendments within a section are separated by semicolons. Similar changes are grouped together, such as grouping revised paragraphs and grouping added paragraphs. The status of the authority citation must be the first amendment statement whether it remains the same or is amended. An example of the use of amendatory language is in figure 8-1, below.

1. The authority for 32 CFR part 247 continues to read as follows:

**Authority:** 10 U.S.C. 121 and 133.

2. §247.3 is amended by redesignating paragraph (a)(2) as (a)(3) and by adding a new paragraph (a)(2) to read as follows:

Figure 8-1. Amendatory Language

c. The Use of Asterisks. Asterisks serve as place-holders to indicate that the text in a section, paragraph, or sentence is unaltered. Only new or changed text is shown.

(1) Five Asterisks (\* \* \* \* \*). Five asterisks indicate that an entire paragraph or section is unchanged. They also indicate the last change made to a paragraph or section. Three spaces are placed between each asterisk.

(2) Three Asterisks (\* \* \*). Three asterisks indicate that the higher level paragraphs are unchanged or that the beginning or ending of a sentence is unchanged. Three spaces are placed between each asterisk.

3. Revisions. A reissuance of a DoD issuance that is codified as a rule must be revised in the CFR. The identification of the revision is presented in the Words of Issuance. A discussion of why the revision is made should be stated in the Supplementary Information of the rule.



4. Privacy Program Documents. As part of the DoD Privacy Program, DoD Component Privacy Program and Component Exemption rules are published in the Federal Register and codified in the CFR in accordance with DoD 5400.11-R (reference (o)). The Privacy Program documents must be forwarded to the Director, Defense Privacy Office, ODA&M, for publishing in the Federal Register.

5. Common and Joint Rules. Documents implementing a legislative policy objective that is common to the programs of more than one Federal Agency or identical requirements that pertain to more than one Federal Agency are referred to as a Common Rule. When implementing certain legislation, Agency reorganization, or jointly administered programs or activities, two Federal Agencies may be required to issue a Joint Rule. Each participating Federal Agency must be identified in the heading and preamble of the rule, and the rule must be signed by an appropriate official of each Agency.

F. TEXT SPECIFICATIONS FOR RULES.

1. Paper. Use white 8 1/2 by 11-inch bond paper.

2. Quality of Text. Type error free text. Do not use correction fluid or tape.

3. Single Side Copy. Type text on one side only.

4. Number of Copies. Prepare one original document and three copies.

5. Spacing. Double-space the text.

6. Margins. Leave a one inch margin at the top, bottom, and right side; and a 1 1/2-inch margin on the left side of all pages. Type headings and text flush with the left margin.

7. Indentations. Indent or type paragraphs of a section flush with the left margins consistently throughout the document.

8. Page Numbers. Center the page number at the bottom of each page and number the pages in Arabic numbers consecutively throughout the document beginning with "1" on the first page.

9. Underlines. Use underlining to indicate that the text should be in italics. Underlining also may be used to highlight a section heading of a rule that will appear in bold type in the Federal Register or for a date to be computed. Underlining shall not be used for emphasis or names of documents.

10. Capitalization. Type the following terms in all capital letters:

a. FEDERAL REGISTER

b. The name of the Agency, but not the name of the subcomponent in the heading of the document; e.g., DEPARTMENT OF DEFENSE, Office of the Secretary.

c. Preamble Captions. AGENCY, ACTION, SUMMARY, DATES, ADDRESSES, FOR FURTHER INFORMATION CONTACT, and SUPPLEMENTARY INFORMATION.

## 11. Word Choice and Preferred Usage

<u>Use</u>	<u>Do Not Use</u>
CFR	Code of Federal Regulations
E.O.	Executive Order
FR	Federal Register
Pub. L.	Public Law
§ or §§	The words "section or sections" in the section heading of a rule and when referencing a section or sections of the CFR. However, "section or sections" must be spelled out at the beginning of a sentence or if unable to type the symbol.  The symbol "§" or the word "section" is not used when the reference follows a title number of the CFR; e.g., 36 CFR 1220.1
Stat.	U.S. Statutes at Large use
U.S.C.	United States Code
The name of the legal citation in the Summary of a rule; e.g., "This rule implements the Regulatory Flexibility Act."	The number of a legal citation in the Summary of a rule; e.g., Pub. L. 96-354
The number or name of a document in a rule e.g., "for additional information, see DoD Directive 9876.54"	The word "reference" and its designator that appear in a DoD issuance; e.g., "for additional information, see reference (d)."
Specific paragraphs or sections of the rule; e.g., "see paragraph (a) of this section"	The words, "above" or "below"
The phrase "this part" when discussing the rule; e.g., "this part is issued to address restrictions in the CFR"	The words, "directive, instruction, publication, issuance, or document"
A complete authority citation in its abbreviated form; e.g., "Authority: 10 U.S.C. 301"	Incomplete authority citations; e.g., "Authority: 10 U.S.C."

<u>Use</u>	<u>Do Not Use</u>
Legislative or executive documents as reference citations; e.g., "For further information, see Pub. L. 123-45"	Legislative or executive documents as attachments to a rule
CFR text as a reference citation; e.g., "follow guidelines in 32 CFR part 456"	CFR text in its entirety or portions thereof as references.
Non-DoD documents as reference citations; e.g., "For further information, see ABCA report 123" or follow guidelines in 42 CFR part 99	Non-DoD documents in their entirety or portions thereof, unless required by legislation or Executive order

**G. ORGANIZATION AND STRUCTURE OF RULES.** Rules are arranged in the following units:

1. **Heading.** The Heading unit is divided into subunits that consist of the issuing Agency; subagency, if necessary; CFR title and parts; Agency number; RIN number, if assigned; Agency issuance or document number, if applicable; and the subject. Each subunit of the Heading shall be typed in bold, and the subunits shall appear in uniformed sequence as shown in figure 8-2, below, and as follows:

a. **Agency.** This subunit of the Heading contains the name of the issuing Cabinet-level Agency. TYPE "DEPARTMENT OF DEFENSE" in capital letters.

b. **Subagency.** This subunit of the Heading contains the name of the subcomponent under the Cabinet-level Agency. Always use "Office of the Secretary" for OSD and Defense Agencies typed in initial capital letters.

c. **CFR Title and Part Number.** This subunit of the Heading contains the CFR title and the part. Use 32 (for the Department of Defense) and the part number assigned to the rule even if only a portion of a part is affected; e.g., "32 CFR 247." The part number must be assigned by the FRLO.

d. **RIN, if Applicable.** This subunit of the Heading contains the OMB assigned designator used to identify each regulatory action. Type RIN in capital letters and embrace the RIN designator in brackets; e.g., [RIN 0790-AF07]. The FRLO will acquire the RIN from OMB.

e. **Agency Issuance or Document Number, if Applicable.** This subunit of the Heading contains a unique issuance or document number assigned by an Agency. Type the issuance or document number in brackets; e.g., [DoD Instruction 5120.4].

f. **Subject.** This subunit of the Heading contains the name, subject, or title of the DoD issuance or document, typed in initial capital letters; e.g., "DoD Newspapers and Civilian Enterprise Publications".

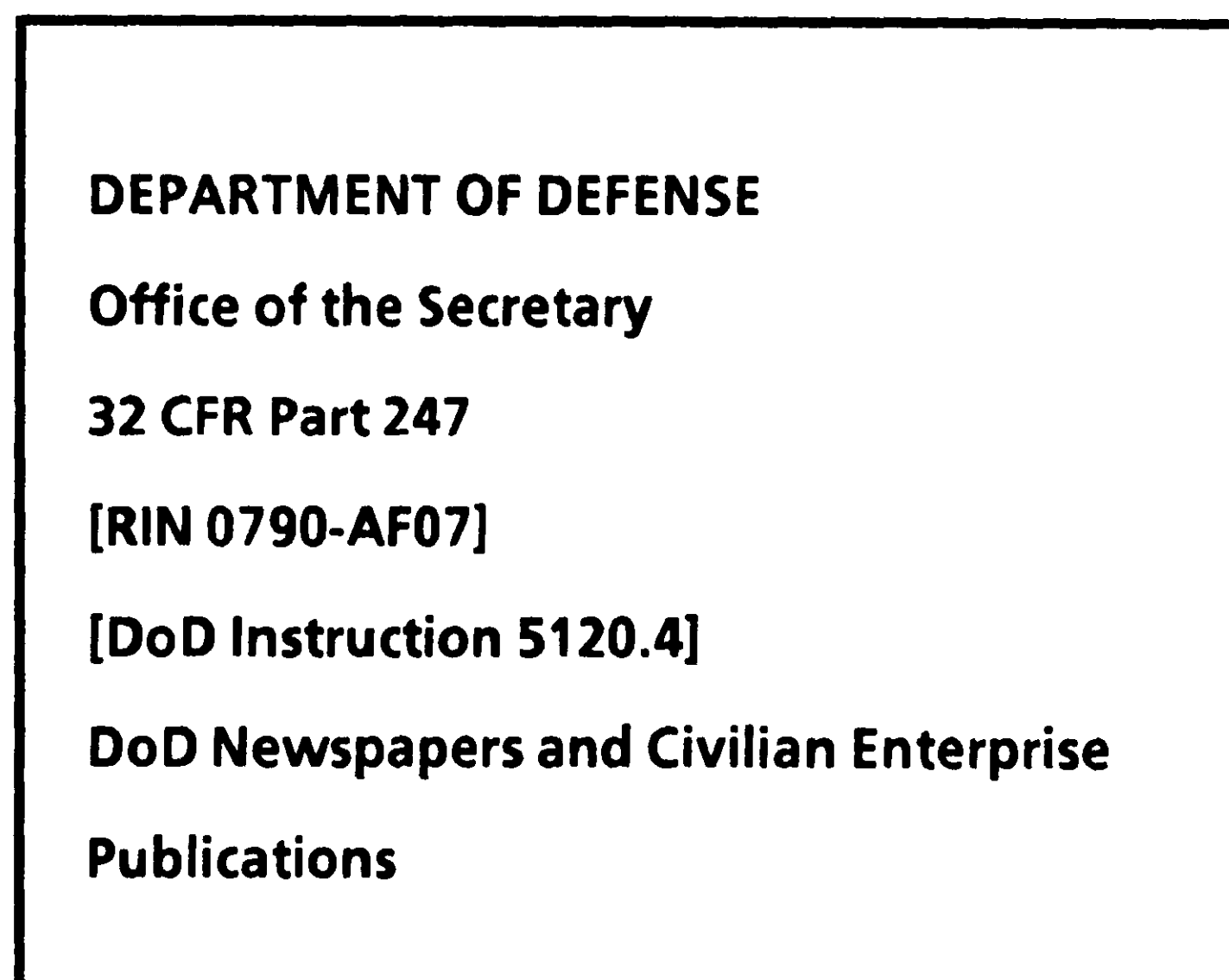


Figure 8-2. Heading Unit

2. Preamble. This unit is divided into subunits that consist of the Agency, Action, Summary, Dates (in proposed or interim final rules) or Effective Date (in final rules), Addresses (in proposed or interim final rules), For Further Information Contact, and Supplementary Information (including list of subjects). The Preamble is an introductory statement containing explanatory material necessary for a reader to understand the purpose of the rule. It addresses "who, what, where, when, and why" of a rule and does not contain regulatory text. For a final rule, the Department of Defense is obliged to discuss public comments and if any comments are not accepted, provide a brief reason for the rejection. This public forum, rather than individual letters to commentors, is the proper mechanism for replying substantively to comments on a proposed rule. Each subunit of the Preamble must be typed in all capital letters and shall appear in uniformed subunits as shown in figure 8-3 and as follows:

a. AGENCY. This subunit of the Preamble states the "who" of the rule by identifying the subcomponent issuing the rule; e.g., "Office of the Assistant to the Secretary of Defense for Public Affairs, DoD."

b. ACTION. This subunit of the Preamble identifies the type of rule and, if applicable, the required function; e.g., "Proposed rule" or "Proposed rule; amendment."

c. SUMMARY. This subunit of the Preamble explains the "why" and "what" of a rule. It must discuss why the action is necessary and what is the intended effect, but not include qualifications, exceptions, specific details, or precise legal citations; however, an act of Congress may be used by the popular name of the act. The summary must be brief and is not intended to prove a point or argue a case; e.g., "This document proposes to revise DoD policy concerning the Stars and Stripes newspapers and business operations. The revisions are intended to promote efficiency and economy by updating procedures to meet changed circumstances, and to accommodate recommendations made by the General Accounting Office in a Congressionally mandated examination of Stars and Stripes operations."

d. DATES (or EFFECTIVE DATE). This subunit of the Preamble presents the "when" of a rule. The caption "DATES" shall be used for a proposed rule or an interim final rule requesting public comments. The public comment period is a minimum of 60 days from the date the rule is published in the Federal Register. If a specific date has not been entered, the OFR will compute and insert the date, when requested; e.g., "Comments are requested by [insert 60 days from publication in the Federal Register]." When the date falls on a weekend or a Federal holiday, the next Federal business day is used. The caption "EFFECTIVE DATE" must be used when an effective date is determined by the OSD Component or when the signature date of the DoD issuance is used. When applying the date (or effective date), use the month, day, and year sequence; e.g., July 5, 1994.

e. ADDRESSES. This subunit of the Preamble states the "where" of the rule. It tells where to mail or hand deliver comments, attend a public hearing, or examine text. This subunit is required for rules containing a public comment period and optional for a final rule if the proposed rule was published; e.g., "Forward comments to the American Forces Information Service, Plans and Policy Office 123 North Fairfax Street, Alexandria, VA 22314."

f. FOR FURTHER INFORMATION CONTACT. This subunit of the Preamble provides the name and telephone number of the individual who can answer questions about the rule; e.g., "Mr. R. Jones, 703-699-1234."

g. SUPPLEMENTARY INFORMATION. This subunit of the Preamble contains the regulatory history and background information of a rule, statements of determinations and certifications to meet legislation and executive requirements, and the list of subjects. Specifically, the Supplementary Information shall provide:

(1) Regulatory History and Background Information. This subunit of Supplementary Information gives specific details to explain the basis and purpose of a rule. It may also address a problem associated with the rule or discuss the issues connected to the problem; identify existing rules that address the problem; state how the rule will solve the problem, what other solutions were considered, and how this solution was chosen, including its cost-effectiveness; identify parties involved in the rule and legislation or directives authorizing the rule, and other documents on the rule; e.g., cite the Federal Register volume, page, and date of a proposed rule or an announcement of a meeting or hearing. For a proposed rule, it may include any special instructions to the public for mailing comments. For final rule, it may discuss any substantive differences between the proposed and final rule; indicate whether changes were made and if the public will have an opportunity to comment on the changes; and indicate whether all significant comments were considered. If necessary, an analysis of the comments may be included.

(2) Statement of Determination and Certifications. A statement of determination for E.O. 12866 (reference (k)) and certifications for 5 U.S.C. 601 and Chapter 44 of 44 U.S.C. (references (l) and (m)) shall be included as a subunit of the Supplementary Information to include whether rulemaking analyses were done to ensure that the rule:

(a) Is or is not a significant rule as defined in reference (k).

(b) Does or does not have a significant impact on small business entities as defined in reference (l).

(c) Requires or does not require reporting and/or recordkeeping as defined in reference (m).



(3) **LIST OF SUBJECTS.** This subunit is the last portion of Supplementary Information and lists subject terms established by the OFR. If the subject terms have not been provided by the FRLO, leave four line spaces.

**AGENCY:** American Forces Information Service, DoD

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes to revise DoD policy concerning the Stars and Stripes newspapers and business operations. The revisions are intended to promote efficiency and economy by updating procedures to meet changed circumstances, and to accommodate recommendations made by the General Accounting Office in a Congressionally mandated examination of Stars and Stripes operations.

**DATES:** Comments are requested by [insert 60 days from publication in the Federal Register].

**ADDRESSES:** Forward comments to the American Forces Information Service, Plans and Policy Office, 123 North Fairfax Street (EFC Plaza), Alexandria, VA 22314.

**FOR FURTHER INFORMATION CONTACT:** Mr. R. Jones, 703-699-1234.

**SUPPLEMENTARY INFORMATION:** Since the publications are governed by DoD policy and are directed at the internal DoD audience, there is minimal impact on the public. A few provisions of this part provide guidelines for contracting by installation commanders with commercial publishers for the publication of civilian enterprise publications.

**Executive Order 12866, "Regulatory Planning and Review"**

It has been determined that this rule is not a significant rule as defined under section 3(f)(1) through 3(f)(4) of Executive Order 12866.

**Public Law 96-354, "Regulatory Flexibility Act" (5 U.S.C. 601)**

It has been determined that this rule will not have a significant economic impact on substantial number of small entities because it affects only DoD employees and certain former DoD employees.

**Public Law 96-511, "Paperwork Reduction Act" (44 U.S.C. Chapter 44)**

It has been certified that this rule does not impose any reporting or recordkeeping requirements under the Paperwork Reduction Act of 1980.

List of Subjects in 32 CFR part 59

Allotments; Civilian personnel; Military personnel.

**Figure 8-3. Preamble**

3. **Words of Issuance.** This unit describes the relationship between the rule and the affected CFR units. Words of issuance are expressed in the present tense and the action of the rule should be stated clearly, not implied. Words of Issuance contain an introductory statement identifying CFR title number; chapter number, if applicable; the subchapter and part number; the table of contents; and the authority citation as shown in figure 8-4, below, and discussed as follows:

a. **Table of Contents.** This subunit of the Words of Issuance is required in a rule that adds a new part or subpart or revises an existing part or subpart of the CFR. The Table of Contents entries must be identical to the part, subpart, and section headings displayed in the regulatory text. Paragraph headings are not listed in the Table of Contents. Changes to a Table of Contents should not be presented in a rule that adds or amends a single section or sections of the CFR.

b. **Authority Citation.** This subunit of the Words of Issuance states the legal authority for issuing the rule. It includes any statutory general rulemaking authority, any specific rulemaking authority delegated by statute, and any Executive delegations that link the statutory authority to the Department of Defense.

(1) U.S.C. citations shall be used. The citation should be the most recent edition of the U.S.C. with its latest supplement. If a U.S.C. does not exist, cite the Public Law and the U.S. Statutes at Large by referring to the section and number of Public Law, and the volume and page number of the U.S. Statutes at Large; e.g., "Pub. L. 98-473, Sec. 8067, 98 Stat. 1937".

(2) An Executive order shall be used only if a U.S.C. or Public Law is unavailable. When used, the number of the Executive order, its Federal Register volume and page, and when possible, a parallel citation to 3 CFR must be cited; e.g., E.O. 11222, 30 FR 6469, 3 CFR 1965 Comp., p. 10. This format must be used if an Executive order is cited in other portions of the text.

Accordingly, 32 CFR part 247 is proposed to be revised to read as follows:

**PART 247-DOD NEWSPAPERS AND CIVILIAN ENTERPRISE PUBLICATIONS**

Sec.

247.1 Purpose.

247.2 Applicability.

247.3 Definitions.

247.4 Policy.

**Authority:** 10 U.S.C. 121 and 133.

Figure 8-4. Words of Issuance

4. **Regulatory Text.** This unit conforms to the structure, nomenclature, and numbering system of the CFR. The Regulatory text is a reformatted version of a document, such as a DoD issuance, that must be codified in the CFR. It is divided into sections and paragraphs. If a document that is not codified in the CFR, excluding legal documents, is discussed in Regulatory text, a footnote must identify the availability of that document.

a. **Section.** This subunit of the Regulatory Text must contain the heading (or title) of a rule and may contain paragraphs. A section is a division of a part that ideally consists of a short simple presentation of one proposition and uses a decimalized part number preceded by the section symbol; e.g., the third section of part 25 is expressed as §25.3. Each section must contain a heading.

b. **Paragraph.** This subunit of a section of the Regulatory Text is structured into six levels of codification. Each level of codification must remain in sequential order until the text reaches the next section. The levels of codification of a paragraph are shown in figure 8-5, below.

LEVELS OF CODIFICATION	
Levels	Paragraphs
Level 1	(a), (b), (c)
Level 2	(1), (2), (3)
Level 3	(i), (ii), (iii)
Level 4	(A), (B), (C)
Level 5	(1), (2), (3)
Level 6	(A), (B), (C)

Figure 8-5. Levels of Codification

5. **FRLO Signature Block.** Rules must be validated by the FRLO. The signature block of the FRLO or an Alternate FRLO must be placed at the end of the Regulatory Text on the last page of the rule. Leave seven blank line spaces for the signature block. The signature block must not be placed on a separate page from the end of the Regulatory Text.

H. **DESCRIPTION OF RULES.** In compliance with E. O. 12866 (reference (k)), a description of rules under development must be provided to OMB before the rules are approved for publishing in the Federal Register. The purpose of the OMB review is to confirm the significant or not significant characterization of the rules. Procedures for the description of rules are as follows:

1. A brief description of rules under development shall be developed and approved by PSAs and provided to the DA&M for OMB review before the rules are submitted for

publishing in the Federal Register. The prescribed OMB format for a description of rules under development is shown in figure 8-6.

2. The DA&M shall provide OMB with a semimonthly compilation containing descriptions of rules under development as provided by OSD Components.

3. If OMB determines that a rule is significant, the OSD Component shall be requested by the FRLO to provide the rule (original and four copies) and a completed OMB Form, "Executive Order 12866 Submission," (original and four copies) for OMB review. (See figure 8-7.) The Form may be obtained from the FRLO.

4. If a rule is not significant, OMB shall notify the FRLO that the rule is approved for publishing in the Federal Register. The FRLO shall inform the OSD Component of the OMB approval and that the rule and its supporting documents may be submitted to the DA&M for publishing in the Federal Register.

<u>DESCRIPTION OF RULES</u>	
DEPARTMENT/REGULATORY COMPONENT: (Insert "Department of Defense/ Office of the Secretary")	
Title: (Insert the title or subject; e.g., DoD Newspapers and Civilian Enterprise Publications)	
RIN (if available): (Insert the OMB number, if known; e.g., RIN 0790-AF07)	
Part Number: (Insert the CFR title and part number; e.g., 32 CFR Part 247)	
Significance: (State "significant" or "not significant")	
Upcoming Action: (State "Proposed rule, Final rule, etc.")	
Planned Submission/Publication: (Provide an estimated date)	
Statutory Deadline: (Insert a date or indicate "None")	
Description: (Describe briefly what the Agency is intending to do and why, including whether the program is new or continuing and, if continuing, the significant changes in program operations or criteria. Briefly describe issues associated with the rulemaking; e.g., benefits and costs, interagency, intergovernmental effects, budgetary effects, and why the regulatory action is important, sensitive, controversial, or precedential. For final regulatory actions, include a brief statement of the nature and extent of public comments, and the nature and extent of changes made in response to the public commenters)	
For Agenda Purposes Only:	
Effects on Small Entities and Levels of Government: (Place an "x" where applicable)	
<input type="checkbox"/>	Businesses
<input type="checkbox"/>	Governmental jurisdictions
<input type="checkbox"/>	Organizations
<input type="checkbox"/>	State
<input type="checkbox"/>	Local
<input type="checkbox"/>	Tribal
<input type="checkbox"/>	Federal
Name and telephone number (including area code) of program official who can answer detailed questions:	
Signature of PSA _____	Date _____

Figure 8-6. Description of Rules

## EXECUTIVE ORDER 12866 SUBMISSION

### *Important*

Please read the instructions on the reverse side before completing this form.

For additional forms or assistance in completing this form, contact the OIRA Docket Library, [202] 395-6880, or your OIRA Desk Officer.

Send three copies of this form and supporting material to:

Office of Information and Regulatory Affairs  
Office of Management and Budget  
Attention: Docket Library, Room 3201  
725 17th Street N.W.  
Washington, DC 20503

<b>1. Agency/Subagency originating request</b> Department of Defense/ Office of the Secretary	<b>2. Regulation Identifier Number (RIN)</b>  0790-AF123
<b>3. Title</b>  Placement of Nails in Renovation (DoD Instruction 1234.56)	
<b>4. Stage of Development</b> <div style="margin-left: 20px;"> <input type="checkbox"/> Prerule  <input checked="" type="checkbox"/> Proposed Rule  <input type="checkbox"/> Interim Final Rule  <input type="checkbox"/> Final Rule  <input type="checkbox"/> Final Rule – No material change  <input type="checkbox"/> Notice  <input type="checkbox"/> Other                 </div> <div style="margin-top: 10px;"> <input type="text"/> Description of Other                 </div>	<b>5. Legal Deadline for this submission</b> <div style="margin-left: 20px;">                     a) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                       b) Date <input type="text"/> / <input type="text"/> / <input type="text"/>  <span style="margin-left: 100px;">DD</span> <span style="margin-left: 40px;">MM</span> <span style="margin-left: 40px;">YY</span>                       c) <input type="checkbox"/> Statutory <input type="checkbox"/> Judicial                 </div>
<b>6. Economically Significant</b>  <div style="margin-left: 20px;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                 </div>	
<b>7. Agency Contact (person who can best answer questions regarding the content of this submission)</b>  <div style="display: flex; justify-content: space-between;"> <span>Mr. Arm Hammer</span> <span>Phone (703 ) 691-5678</span> </div>	

<b>Certification for Executive Order 12866 Submissions</b> The authorized regulatory contact and the program official certify that the agency has complied with the requirements of E.O. 12866 and any applicable policy directives.	
Signature of Program Official  Assistant Secretary of Defense for Technical Renovation	Date
Signature of Authorized Regulatory Contact  Federal Register Liaison Officer, Department of Defense	Date

1/94

Figure 8-7. OMB Form, "Executive Order 12866 Submission"



I. NOTICES. Notices are Agency documents published in the Federal Register that do not contain regulatory text, impose requirements with general applicability and legal effect, or affect a rulemaking proceeding. Many notices are published to provide general information of public interest.

1. Types of Notices. The types of notices published in the Federal Register are as follows:

a. Meetings. A notice of a meeting shall be published 15 working days before the meeting. An additional 5 working days must be allowed for the FRLO to review and forward the notice to the OFR.

(1) Open Meetings. Meetings that allow public attendance. A memorandum for the DA&M signed by a PSA requesting that the notice for an open meeting be published in the Federal Register is required. (See figures 8-9 and 8-10.)

(2) Closed Meetings. Meetings that restrict attendance for reasons of national security. These meetings may be wholly or partially closed to the public. The following documents are required for closed meetings:

(a) A memorandum for the DA&M signed by a PSA requesting that the notice for a closed meeting be published in the Federal Register. (See figure 8-12.)

(b) A statement of determination for 5 U.S.C. 552b(c)(1) (reference (n)) to conduct a closed meeting signed by a PSA and coordinated by the General Counsel, DoD (GC, DoD). The statement must cite the legal authority for the closed meeting and provide a summary of the meeting activities. (See figure 8-12.)

(3) Sunshine Act Meetings. Sunshine Act notices are published in compliance with 5 U.S.C. 552b(e)(3) (reference (p)). A Sunshine Act notice of a meeting must be provided to the FRLO by 12 o'clock noon of the day before publication in the Federal Register. A special OFR format is required as shown in figure 8-13. A memorandum for the DA&M signed by a PSA requesting that the notice for an open meeting be published in the Federal Register is required as shown in figure 8-10.

b. System of Records. System of records documents shall be published in the Federal Register in accordance with DoD 5400.11-R (reference (o)). Notices are submitted by the DoD Components via electronic media, to the Defense Privacy Office, ODA&M, for review and forwarding to the FRLO.

c. Advisory Committee Notices. Notices of the establishment and renewal of advisory committees are published in accordance with DoD Directive 5105.4 (reference (q)). Notices shall be prepared by the DoD Committee Manager, O&MP, ODA&M, and provided to the FRLO.

d. Public Information Collection. Information collection notices are published in compliance with Chapter 44 of 44 U.S.C. (reference (m)), as amended. Notices of public information collection requirements shall be prepared by the DoD Components in accordance with DoD 8910.1-M (reference (c)), reviewed by the DIOR, WHS, for forwarding to the FRLO.

e. Executive Documents. When the President issues a proclamation or memorandum for the Secretary of Defense stating that all or portions of the executive document must be published in the Federal Register, the original executive document must be provided to the FRLO for publishing in the Federal Register.

f. Notice of Guidance. Notices that describe a particular program, policy, or procedures, in detail. These notices must adhere to the requirements of a rule. See section G., above.

g. Agency Decisions and Rulings.

h. Grant Application Deadlines.

i. Availability of Environmental Impact Statements.

j. Delegations of Authority.

k. Issuance or Revocation of Licenses.

l. Hearings and Investigations.

2. Amendment to a Notice. A change to a notice may include the date, time, location, or cancellation of a meeting. The heading of the notice is unchanged. The original notice published in the Federal Register must be referenced in the amendment notice. The amendment must cite the date that the original notice was published and give the Federal Register volume number and the page number; e.g., 60 FR 12345. See figure 8-14.

3. Text Specifications for Notices. Use the specifications that apply to rules in section F., above.

4. Format for Notices. Notices must contain the heading and preamble as rules. See subsections G.1. and 2., above. The OSD Component may include additional material.

## J. COORDINATION AND SUBMISSION OF DOCUMENTS

1. Coordination. It is preferable that a draft DoD issuance be coordinated with the DoD Components before it is published in the Federal Register as a rule for public comment. The DoD coordination would allow internal differences, if any, to be resolved before subjecting the draft issuance as a rule in the Federal Register to public scrutiny. It would also protect the internal deliberative processes of the Department of Defense publishing a proposed issuance that reflects the result of those processes, rather than exposing the initial document about which DoD officials have been asked for advice.

### 2. Assembly of Documents for Publishing in the Federal Register

a. Prepare the double-space rule or notice.

b. Assemble the rule or notice in a final Federal Register package (original set and three copies) composed of the following documents as shown in figure 8-16 and arranged in the order below:

(1) Memorandum for the DA&M signed by a PSA requesting that the rule or notice be published in the Federal Register.

(2) The rule or notice (original and three copies).

(3) A statement of determination of E.O. 12866 (reference (k)) and certifications for 5 U.S.C. 601 and Chapter 44 of 44 U.S.C. (references (l) and (m)) for a rule and statement of determination for 5 U.S.C. 552b(c)(1) (reference (n)) for closed meetings. See figure 8-12. For rules, the contents of the statement of determination and certifications must be the same as used in the Supplementary Information of the rule.

(a) The statements of determination and certifications for rules and notices must be signed by a PSA. This responsibility may not be delegated to OSD officials below the level of PSA or Principal Deputy.

(b) If statements of determination and certifications are included in the memorandum for the DA&M signed by the PSA (see subparagraph J.2.b.(1), above), a separate document signed by the PSA is not required.

(4) OMB Form, "Executive Order 12866 Submission," if required.

### 3. Final Review, Approval, Validation, and Submission of Documents for Publishing in the Federal Register

a. The Federal Register package (the original set and three copies) must be provided to the FRLO for final review and the approval of the DA&M.

b. Incomplete staff work or discrepancies in the Federal Register package shall be returned to the originating OSD Component for correction.

c. Documents approved by the DA&M shall be validated by the FRLO and forwarded to the OFR for publishing in the Federal Register.

## K. FILING AND PRINTING OF DOCUMENTS

1. The OFR staff reviews and approves documents submitted for publishing in the Federal Register. When a document is approved, it is filed for public inspection for one day after receipt (additional time may be required if the document is voluminous), and printed in the Federal Register by the Government Printing Office (GPO) within 3 to 5 working days after receipt.

### 2. Immediate Filing and Emergency Printing

a. The normal filing of the document for public inspection by the OFR and printing by GPO must be altered when immediate filing for public inspection and emergency printing in the Federal Register are necessary. Therefore, a memorandum for the DA&M signed by a PSA must justify the immediate filing and emergency printing of a document in the Federal Register. The FRLO shall forward the justification to the Director, OFR, for approval.

b. Approved immediate filing and emergency printing of a document are scheduled by OFR within 2 working days, depending on the size of the document.

L. WITHDRAWAL OF DOCUMENTS. A document may be withdrawn from scheduled publication in the Federal Register if the FRLO request for withdrawal is received by OFR by 12 o'clock noon of the workday before the scheduled publication date. The following withdrawal procedures apply:

1. An OSD Component may verbally request withdrawal of a document; however, the verbal request must be followed by a memorandum for the DA&M signed by a PSA requesting the withdrawal of the document from the Federal Register.

2. The OFR will accept a verbal request for document withdrawal from the FRLO with the proviso that the FRLO shall forward a memorandum to the Director, OFR, requesting the immediate withdrawal of the document.

**M. VERIFICATION OF DOCUMENTS PRINTED IN THE FEDERAL REGISTER.** The FRLO shall review the daily Federal Registers and provide a copy of published documents to the originating OSD Components within two days after receipt of the Federal Register.

**N. REGULATORY PLAN**

1. OSD Components shall participate in the annual Regulatory Plan by providing the most significant regulatory actions that are expected to be issued as a proposed or final rule in compliance with E.O. 12866 (reference (k)). The Regulatory Plan requires:

a. A statement of the objectives and priorities of a rule and how the rule relates to the President's priorities.

b. A summary of planned significant regulatory action including alternatives to be considered and preliminary estimates of the anticipated costs and benefits.

c. A summary of the legal basis for a rule, including whether any aspect of the rule is required by statute or court order.

d. A statement of the need for a rule and, if applicable, how the rule will reduce risks to public health, safety, or the environment, and how the magnitude of the risk addressed in the rule relates to other risks within the jurisdiction of the Agency.

e. The schedule for the rule, including a statement of applicable statutory or judicial deadlines.

f. The name, address, and telephone number of an individual who may be contacted by the public for additional information about the rule.

2. The OSD Components shall provide input to the Regulatory Plan as described in subsection N.1., above, and provide the narratives to the DA&M, as requested, for approval by the Secretary of Defense for OMB review by June 1st of each year.

**O. UNIFIED REGULATORY AGENDA OF FEDERAL REGULATIONS (reference (j)).** The Unified Regulatory Agenda of Federal Regulations is a semiannual publication (April and October) containing virtually all rules under development and issued by Federal Agencies. The DA&M shall provide OMB with the OSD portion of the Unified Regulatory Agenda of Federal Regulations.

[Use PSA or Defense Agency letterhead]

[Insert date]

**MEMORANDUM FOR DIRECTOR OF ADMINISTRATION AND MANAGEMENT**

**SUBJECT: Certification Statement that the Rule is not Subject to Executive Order 12866, Public Law 96-354, and Public Law 96-511**

**Executive Order 12866, "Regulatory Planning and Review"**

I, [insert the title of PSA], hereby determine that 32 CFR part 123 is not a significant regulation action. The rule does not:

(1) Have an annual effect of the economy of \$100 million or more or adversely affect in a material way the economy; a sector of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

**Public Law 96-354, "Regulatory Flexibility Act" (5 U.S.C. 601)**

I, [insert the title of PSA], hereby certify that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities. [Insert a succinct statement explaining the reason for such certification]. The primary effect on grantees administering the rule will be a reduction in administrative costs and other burdens resulting from the simplification and clarification of certain policies and the elimination of policy differences among the Federal Agencies promulgating this [insert proposed or final] rule.

**Public Law 96-511, "Paperwork Reduction Act" (44 U.S.C. Chapter 44)**

I, [insert the title of PSA], hereby certify that 32 CFR part 123 does not impose any reporting or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501-3520).

[signature of PSA or Director of Defense Agency]<sup>1</sup>

<sup>1</sup>If the request is submitted by a Defense Agency, excluding NSA and CIO, it must be coordinated with the cognizant PSA.

**Figure 8-8. Certification Statement that the Rule is not Subject to Executive Order 12866, Public Law 96-354, and Public Law 96-511**



[Use white bond paper]

**DEPARTMENT OF DEFENSE**

Office of the Secretary

Conference Meeting of the Advisory Committee on Food Services

**AGENCY:** Department of Defense, Advisory Committee on Food Services

**ACTION:** Notice

**SUMMARY:** Notice is hereby given of a forthcoming semiannual conference of the Advisory Committee on Food Services. The purpose of the Conference is to assist the Secretary of Defense on matters about food services for the Armed Forces. Conference sessions will be held daily and will be open to the public.

**DATES:** October 21-24, 2001

**ADDRESS:** Sheraton Colorado Springs Hotel, 2886 South Circle Drive, Colorado Springs, Colorado, unless otherwise noted in the agenda.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Colonel I. M. Greene, Director, Food Services, Room 3F769, Office of the Under Secretary of Defense for Personnel and Readiness, 4000 Defense Pentagon, Washington, DC 20301-4000; telephone (703) 698-9876.

**SUPPLEMENTARY INFORMATION:** Members of the public will not be permitted to attend the Food Services luncheon, reception, and dinner. All business sessions, including the Executive Committee meeting, will be open to the public.

Figure 8-9. Notice of an Open Meeting

[Use PSA or Defense Agency letterhead]

[Insert date]

MEMORANDUM FOR DIRECTOR OF ADMINISTRATION AND MANAGEMENT

SUBJECT: Conference Meeting of the Advisory Committee on Food Services

Request that the attached notice of the subject Conference meeting be published in the Federal Register.

[signature of PSA or Director of Defense Agency]<sup>1</sup>

Attachment  
a/s

<sup>1</sup> If the request is submitted by a Defense Agency, excluding NSA and CIO, it must be coordinated with the cognizant PSA.

Figure 8-10. Memorandum Requesting that a Meeting Notice be Published in the Federal Register

[Use white bond paper]

**DEPARTMENT OF DEFENSE**

Office of the Secretary

Scientific Visual Agency on Telescopic Equipment

**AGENCY:** Department of Defense, Scientific Visual Agency

**ACTION:** Notice

**SUMMARY:**

The Scientific Visual Agency (SVA) will meet in closed session on May 5, 2020.

The mission of the Agency is to advise the Secretary of Defense, through the Director of Defense Research and Engineering, on scientific and technical matters as they affect the perceived needs of the atmosphere. At this meeting, the Visual Agency will define the scope and depth of vision with a comprehensive modification process by which the Department of Defense acquires telescopic equipment.

In accordance with section 10 (d) of the Federal Advisory Committee Act, Public Law 92-453, as amended (5 U.S.C. App II (1988)), it has been determined that this SVATask Force meeting concerns matters listed in 5 U.S.C. 552b (c) (1) (1988), and that, accordingly, this meeting will be closed to the public.

Figure 8-11. Notice of a Closed Meeting

[Use PSA or Defense Agency letterhead]

[Insert date]

MEMORANDUM FOR DIRECTOR OF ADMINISTRATION AND MANAGEMENT

SUBJECT: Scientific Visual Agency on Telescopic Equipment Meeting

Request the attached Scientific Visual Agency meeting be published in the Federal Register. The determination, as required, by Title 5, United States Code, is as follows:

DETERMINATION TO CLOSE ADVISORY COMMITTEE MEETINGS

The Scientific Visual Agency will meet in closed session on May 5, 2020.

The mission of the Agency is to advise the Secretary of Defense, through the Director of Defense Research and Engineering, on scientific and technical matters as they affect the perceived needs of the atmosphere. At this meeting, the Visual Agency will define the scope and depth of vision with a comprehensive modification process by which the Department of Defense acquires telescopic equipment.

In accordance with section 10 (d) of the Federal Advisory Committee Act, Public Law 92-453, as amended (5 U.S.C. App II (1988)), it has been determined that this meeting concerns matters listed in 5 U.S.C. 552b (c) (1) (1988), and that, accordingly, this meeting will be close to the public.

The above determination is based on the consideration that it is expected that discussions will involve classified matters of national security concern. Such classified material is so interwoven with the unclassified material that it cannot reasonably be segregated into separate discussions without defeating the effectiveness and meaning of the overall meeting. To permit the meeting to be open to the public would preclude discussion of such matters and would greatly diminish the ultimate use of the Agency's findings or recommendations to the Secretary of Defense.

[signature of PSA or Director of Defense Agency]<sup>1</sup>

COORDINATION:

[Signature of the GC, DoD]

<sup>1</sup>If the request is submitted by a Defense Agency, excluding NSA and CIO, it must be coordinated with the cognizant PSA.

Figure 8-12. Statement of Determination for a Closed Meeting Included in a Memorandum Requesting that a Closed Meeting Notice be Published in the Federal Register

[Use white bond paper]

**UNIFORMED SERVICES UNIVERSITY OF NOURISHMENT**

**MEETING NOTICE**

**AGENCY HOLDING THE MEETING:** Uniformed Services University of Nourishment

**TIME AND DATE:** 9:00 a.m., August 27, 2110.

**PLACE:** Uniformed Services University of Nourishment, Room G1234, 5678 Smith Bridge Plaza, Bethesda, VA 34567-8911

**STATUS:** Open - under "Government in the Sunshine Act" (5 U.S.C. 552b(e) (3))

**MATTERS TO BE CONSIDERED:**

**9:00 a.m. MEETING - BOARD OF REGENTS**

(1) Approval of Minutes - August 20, 2110; (2) Awards; (3) Faculty Matters;  
(4) Departmental Reports; (5) Financial Report; (6) Report - President, USUHN;  
(7) Comments - Chairman, Board of Regents.

**New Business**

**CONTACT PERSON FOR MORE INFORMATION:**

**Bobby G. Ogoby  
Executive Secretary of the  
Board of Regents  
301-298-8899**

**Figure 8-13. Notice of Sunshine Act Meeting**



[Use plain bond paper]

**DEPARTMENT OF DEFENSE**

Office of the Secretary

Conference Meeting of the Advisory Committee on Food Services

**AGENCY:** Department of Defense, Defense Advisory Committee on Food Services

**ACTION:** Notice

**SUMMARY:** On April 15, 1995, 60 FR 12866, the Department of Defense published a notice concerning a Conference Meeting of the Defense Advisory Committee on Food Services. This meeting has been rescheduled to May 24, 1999. All other information remains unchanged.

Figure 8-14. Notice of an Amendment to a Meeting Notice

[Use PSA or Defense Agency letterhead]

[Insert date]

MEMORANDUM FOR DIRECTOR OF ADMINISTRATION AND MANAGEMENT

SUBJECT: Conference Meeting of the Advisory Committee on Food Services

Request that the attached amendment to the Conference Meeting of the Advisory Committee on Food Services be published in the Federal Register.

[signature of PSA or Director of Defense Agency]<sup>1</sup>

Attachment  
a/s

<sup>1</sup>If the request is submitted by a Defense Agency, excluding NSA and CIO, it must be coordinated with the cognizant PSA.

Figure 8-15. Memorandum Requesting that an Amendment to a Meeting Notice be Published in the Federal Register

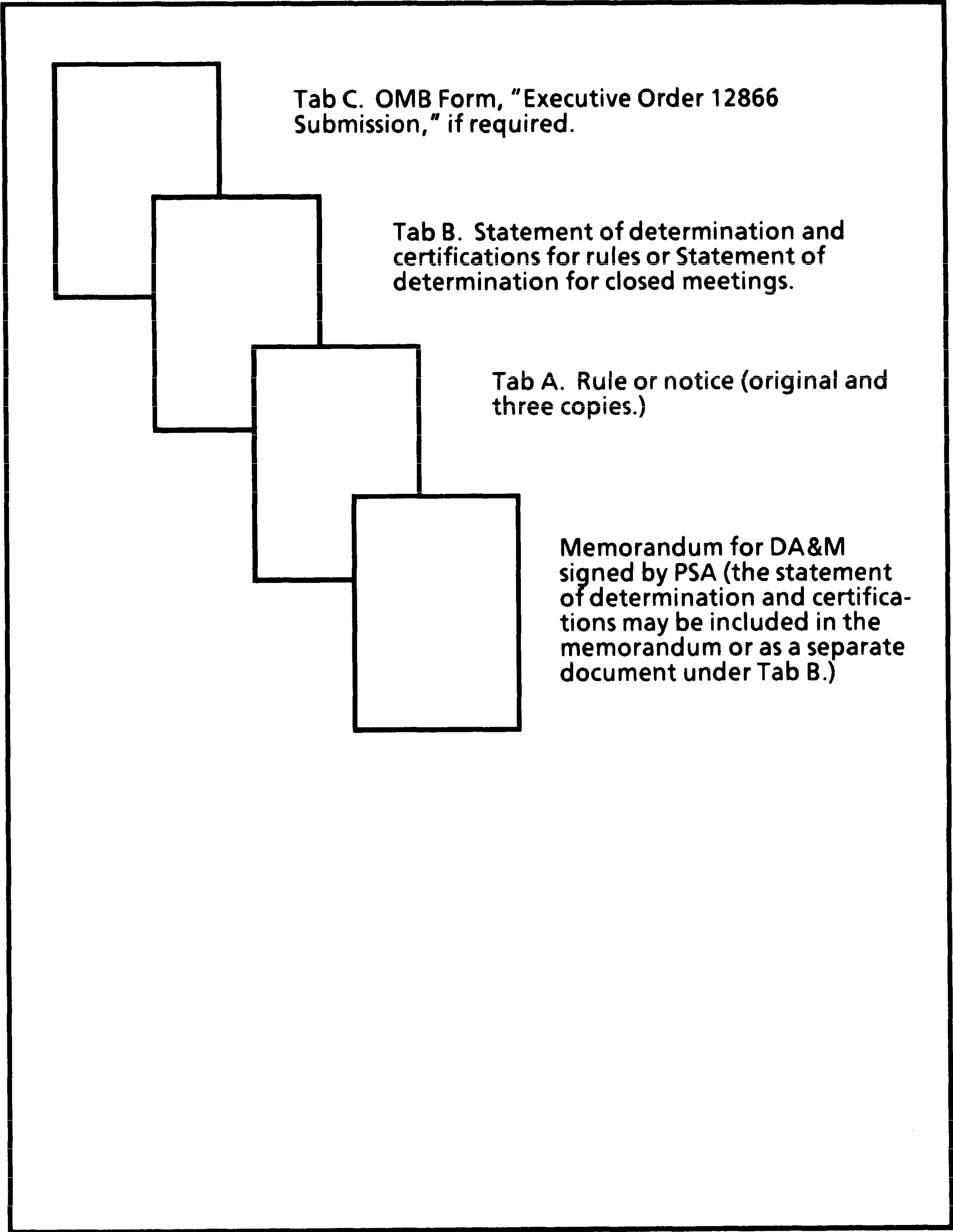


Figure 8-16. Federal Register Package